

## Message Text

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ACTION L-02

INFO OCT-01 EUR-10 ISO-00 AF-04 ARA-10 EA-07 NEA-06 RSC-01

IO-03 OIC-01 DPW-01 SAJ-01 ACDA-10 CIAE-00 DODE-00

PM-03 H-01 INR-10 NSAE-00 NSC-07 PA-01 PRS-01 SP-02

SS-14 USIA-04 DRC-01 /101 W  
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R 081503Z OCT 74

FM AMEMBASSY BERN

TO SECSTATE WASHDC 9665

INFO USUN NEW YORK 139

UNCLAS BERN 3775

FROM USDEL TO LUCERNE ICRC CONFERENCE ON WEAPONS

E.O. 11652: N/A

TAGS: ICRC, PARM

SUBJECT: INTERNATIONAL HUMANITARIAN LAW

ON OCT. 8, LONGVA (NORWAY) GAVE US FOLLOWING DRAFT  
AMENDMENT TO PROTOCOL I, WHICH HE SAYS HAS BEEN SUB-  
MITTED BY NORWAY TO SWISS GOVERNMENT FOR CIRCULATION  
IN ADVANCE OF SECOND SESSION OF DIPLOMATIC CONFERENCE:

BEGIN TEXT:

QUOTE

ARTICLE 84 BIS. - SPECIAL

AGREEMENTS AND DECLARATIONS DURING HOSTILITIES.

1. IF IN THE SITUATIONS PROVIDED FOR IN  
ARTICLE 2 COMMON TO THE CONVENTIONS AND ARTICLE 1 OF  
THE PRESENT PROTOCOL ONE OR MORE OF THE POWERS IN  
CONFLICT ARE NOT PARTIES TO THE CONVENTIONS OR THE  
PRESENT PROTOCOL, THE POWERS IN THE CONFLICT SHALL ENDEAVOR  
TO BRING THE CONVENTIONS AND THE PRESENT PROTOCOL  
INTO FORCE, EITHER BY MEANS OF SPECIAL AGREEMENTS OR  
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BY UNILATERAL DECLARATIONS ADDRESSED TO THE SWISS

FEDERAL COUNCIL OR TO THE INTERNATIONAL COMMITTEE OF  
THE RED CROSS.

2. THE POWERS IN CONFLICT WHO ARE PARTIES TO  
THE CONVENTIONS AND THE PRESENT PROTOCOL SHALL REMAIN  
BOUND BY THESE INSTRUMENTS IN THEIR MUTUAL RELATION  
AND IN RELATION TO POWERS WHO HAVE ENTERED INTO  
SPECIAL AGREEMENT OR ISSUED DECLARATIONS AS STIPULATED  
IN THE PRECEDING PARAGRAPH. THE POWERS WHO HAVE ENTERED  
INTO SUCH AGREEMENTS OR ISSUED SUCH DECLARATIONS ASSUME  
THE SAME RIGHTS AND OBLIGATIONS AS A PARTY TO THE  
CONVENTIONS AND THE PRESENT PROTOCOL.

3. THE WORD "POWERS" AS USED IN THE PRESENT ARTICLE  
AS WELL AS IN ARTICLE 2, PARAGRAPH 3, COMMON TO THE  
CONVENTIONS SHALL INCLUDE STATES AND SUCH GOVERNMENTS  
AND AUTHORITIES AS REFERRED TO IN ARTICLE 4 A, SUB-  
PARAGRAPH (3) OF THE THIRD CONVENTION INCLUDING NATIONAL  
LIBERATION MOVEMENTS REPRESENTING PEOPLES WHO ARE  
FIGHTING AGAINST COLONIAL DOMINATION AND ALIEN OCCUPATION  
AND RACIST REGIMES IN THE EXERCISE OF THEIR  
RIGHT TO SELF-DETERMINATION, AS ENSHRINED IN THE CHARTER  
OF THE UNITED NATIONS AND THE DECLARATION ON PRINCIPLES  
OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND  
CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER  
OF THE UNITED NATIONS.

4. THE SWISS FEDERAL COUNCIL OR THE INTERNATIONAL  
COMMITTEE OF THE RED CROSS SHALL COMMUNICATE BY THE  
QUICKEST METHOD ANY DECLARATION RECEIVED IN ACCORDANCE  
WITH PARAGRAPH ONE OF THE PRESENT ARTICLE. THE  
COMMUNICATION OF SUCH DECLARATIONS SHALL NOT AFFECT  
THE LEGAL STATUS OF THE POWERS IN CONFLICT, NOR SHALL  
IT BE REGARDED AS A PRONOUNCEMENT ON THEIR LEGAL STATUS.  
UNDER NO CIRCUMSTANCES SHALL THE COMMUNICATION OF SUCH  
A DECLARATION BE REGARDED AS AN UNFRIENDLY ACT OR AS AN  
INTERFERENCE IN THE ARMED CONFLICT.

NOTE: PARAGRAPH 3 OF THE PROPOSED DRAFT ARTICLE  
IS WORDED IN ACCORDANCE WITH THE WORDING  
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OF ARTICLE 1 OF THE FIRST DRAFT PROTOCOL AS ADOPTED  
IN COMMISSION I DURING THE FIRST SESSION OF THE  
DIPLOMATIC CONFERENCE. IF THE SAID ARTICLE 1 SHOULD  
BE AMENDED BEFORE ITS FINAL ADOPTION BY THE DIPLOMATIC  
CONFERENCE, THE PROPOSED DRAFT ARTICLE SHOULD BE  
AMENDED ACCORDINGLY.

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END TEXT

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** ARMS, HUMAN RIGHTS, INTERNATIONAL LAW, AGREEMENT DRAFT, TEXT, MEETINGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 08 OCT 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Source:** CORE  
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**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D740285-0695  
**From:** BERN  
**Handling Restrictions:** n/a  
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**Legacy Key:** link1974/newtext/t19741065/aaaacdhf.tel  
**Line Count:** 116  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION L  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** boyleja  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 05 MAR 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <05 MAR 2002 by chappeld>; APPROVED <05 FEB 2003 by boyleja>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** INTERNATIONAL HUMANITARIAN LAW ON OCT. 8, LONGVA (NORWAY) GAVE US FOLLOWING DRAFT  
**TAGS:** PARM, ICRC  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005